

United States District Court  
STATE AND DISTRICT OF MINNESOTA

RECEIVED

MAY 26 2010

CLERK, U.S. DISTRICT COURT  
ST. PAUL, MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

JUAN RIVERA-VARGAS

10-mj-207 JJG

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 25, 2010, in Ramsey County, in the State and District of Minnesota, defendant, an alien who has previously been removed from the United States subsequent to a conviction for an aggravated felony, knowingly and unlawfully re-entered and was found in the United States without having obtained the consent of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States,

in violation of Title 8, United States Code, Sections 1326(a) and 1326(b), and Title 6, United States Code, Sections 202 and 557.

SEE ATTACHED AFFIDAVIT

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

5/25/10

Date

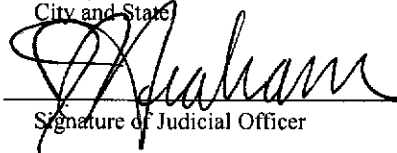
The Honorable Jeanne J. Graham  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

at

St. Paul, MN

City and State



Signature of Judicial Officer

SCANNED

MAY 26 2010

U.S. DISTRICT COURT ST. PAUL

**STATE OF MINNESOTA )**  
**) ss. AFFIDAVIT OF Dustin Halverson**  
**COUNTY OF RAMSEY )**

Dustin Halverson, being duly sworn, deposes and states as follows:

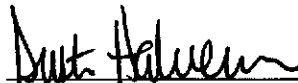
1. Your Affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 1, 2007. On August 1, 2009, your Affiant was promoted to Deportation Officer.
2. As a Deportation Officer, your Affiant's duties and responsibilities include overseeing the cases of aliens in removal proceedings. Your Affiant is also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on your Affiant's training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, your Affiant believes that probable cause exists to believe that, on or about March 25, 2010, in Ramsey County, Minnesota, in the State and District of Minnesota, Juan RIVERA-Vargas unlawfully re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and the defendant's removal was subsequent to a conviction for

commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On March 25, 2010, RIVERA-Vargas was arrested by St. Paul Police Department during the execution of a search warrant and was charged in Ramsey County, Minnesota with Felon Convicted Crime of Violence – Firearm Violation and Drugs – Schedules of Controlled Substances.
6. Also on March 25, 2010, RIVERA-Vargas was encountered by an ICE Immigration Enforcement Agent while performing Criminal Alien Program (“CAP”) duties in the Ramsey County Adult Detention Center at St. Paul, Minnesota. On May 12, 2010, RIVERA-Vargas was turned over to ICE custody.
7. A computer check of criminal and immigration records and a review of RIVERA-Vargas’ immigration file reveal that the defendant is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
8. On or about June 17, 1994, RIVERA-Vargas was convicted of 2<sup>nd</sup> Degree Sale – Cocaine in violation of Minnesota State Statutes Section 152.0221.13A in the District Court of Ramsey County, Minnesota, and was sentenced to 44 months imprisonment.
9. RIVERA-Vargas’s immigration file indicates that he has been previously arrested and removed from the United States on two occasions. First, on May 7, 1993, the defendant was removed through the El Paso, Texas port of entry. Second, on May 31, 1996, the defendant was removed through the Laredo, Texas port of entry.

10. Law enforcement has confirmed through fingerprints and photographs contained in RIVERA-Vargas's criminal history and his immigration file that the individual who is referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on March 25, 2010 by St. Paul Police Department Officers.
11. Your Affiants investigation has revealed that since his most recent removal from the United States on May 31, 1996, RIVERA-Vargas has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
12. Based on these facts, your Affiant has reason to believe that the defendant, Juan RIVERA-Vargas, unlawfully re-entered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

Further Your Affiant Sayeth Not.



Dustin Halverson, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 25 day of May, 2010.



Hon. Jeanne J. Graham  
United States Magistrate Judge